

### **REMARKS**

This amendment supplements the response filed June 8, 2009. Claims 1-2, 4-13, and 15-27 are pending. Claims 1, 4, 6, 12-13, 15, 24, and 25 have been amended. Claim 14 remains withdrawn from consideration. Claims 26 and 27 have been added.

The REMARKS of the June 8, 2009 response the Office Action dated March 6, 2009 remain applicable to the amended and newly added claims, and are incorporated by reference and are renewed without repeating the arguments presented in that response.

Compared to the June 8, 2009 claim listing, claims 1, 15, and 16 have been amended to correctly identify inserted and deleted text.

New claim 26 is directed to a method of inducing homologous recombination between a gene and a DNA sequence comprising the step of controlling transcription of the gene using a transcription promoter located 3' to the DNA sequence, wherein said recombination occurs at a genetic locus in a eukaryotic somatic cell, wherein the gene is located 3' to the promoter, and wherein the DNA sequence has 60% or greater sequence identity to the gene for which homologous recombination is induced. Support for new claim 26 may be found, for example, in [0010], [0011], [0014], [0015], [0017], [0015], [0053], and [0071] of the '678 Publication. Support for new claim 26 may also be found, for example, in [0025] of the '678 Publication stating that the DNA sequence has "60% or greater sequence identity" to the gene.

New claim 27 is directed to a vector for inducing homologous recombination between a gene and a DNA sequence, comprising a transcription promoter for controlling transcription of the gene, wherein said gene, said DNA sequence, and said promoter are arranged in an order beginning with the DNA sequence, the transcription promoter 3' to the DNA sequence, and the gene 3' to the transcription promoter, wherein the DNA sequence has 60% or greater sequence identity to the gene for which homologous recombination is induced. Support for new claim 27 may be found, for example, in [0013], [0021], [0022] – [0024], [0053], and [0071] of the '678 Publication. Support for new claim 27 may also be found, for example, in [0025] of the '678 Publication stating that the DNA sequence has "60% or greater sequence identity" to the gene.

No new matter has been added.

As cited in the foregoing comments, all of the features required by claims 26 and 27 find support in the '678 Publication. Claims 26 and 27 are definite and clear. Claim 26 recites a method of inducing homologous recombination, as described in the foregoing comments, wherein the DNA sequence has 60% or greater sequence identity with the gene. Claim 27 recites a vector, as described in the foregoing comments, wherein the DNA sequence has 60% or greater sequence identity with the gene.

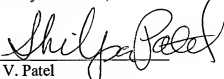
As discussed in the foregoing comments, claims 26 and 27 require a transcription promoter, for controlling the transcription of a gene, that is located in between the gene and the DNA sequence. Thus, claims 26 and 27 are not anticipated by Nickoloff, which does not disclose the above-described positional relationship between a DNA sequence, a transcriptional promoter, and a gene.

Applicants respectfully submit that the REMARKS of the June 8, 2009 response and of the instant supplemental amendment to be fully responsive to all of the rejections made by the Examiner. In view of the amendments of June 8, 2009 and new claims 26 and 27 of the instant supplemental amendment, and the accompanying remarks, Applicants respectfully submit that pending claims 1-2, 4-13, and 15-27 are in order for allowance. Favorable reconsideration and allowance of the present application is respectfully requested.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By   
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